REMARKS/ARGUMENTS

Claims 1, 2, 4-6, 9-20, 23-31, 33, 34, and 37-43 are pending in the present application. In the Office Action mailed January 3, 2006, the Examiner rejected claims 1, 2, 4-31, and 33-43 under 35 U.S.C. § 103. In the above amendments, claims 1, 16, and 30 have been amended, and new claims 44-46 have been added.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

Applicants wish to thank the Examiner for conducting a telephonic interview on Tuesday, March 21, 2006. During the interview, the amendments disclosed herein were discussed. The Examiner indicated that the proposed amendments appear to distinguish the claimed invention from the cited prior art, but that the Examiner would need to conduct additional review/searching to confirm this.

A.   Rejection of Claims 1, 2, 4-8, 11-22, 25-31, 33-36, and 39-43 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 2, 4-8, 11-22, 25-31, 33-36, and 39-43 under 35 U.S.C. § 103(a) based on U.S. Patent No. 6,226,665 to Deo et al. (hereinafter, "Deo") in view of U.S. Patent No. 6,446,203 to Aguilar et al. (hereinafter, "Aguilar") and further in view of U.S. Publication No. 2003/0078963 to Parry (hereinafter, "Parry"). Of these rejected claims, claims 7-8, 21-22, and 35-36 have been cancelled. With respect to claims 1, 2, 4-6, 11-20, 25-31, 33-34, and 39-43, this rejection is respectfully traversed.

The M.P.E.P. states that

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

> The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

As amended, claims 1, 16, and 30 recite "individually loading" each of the individual software components. Support for these amendments may be found throughout Applicants' Specification, such as on page 3, lines 1-2. Applicants submit that none of the cited references disclose, teach, or suggest "individually loading each of the individual software components," as recited in these claims.

In the Office Action, the Examiner asserts that Deo discloses "loading each of the individual software components ... into the volatile memory in connection with starting the operating system." Office Action, page 6. In support of this assertion, the Examiner quoted the following portion of Deo and included his parenthetical comments:

> A first portion (comprising a group of software components from a loading table) of the variables and the event handler for the software application are loaded (using a loader application) from a storage memory (i.e. non-volatile memory) that is not used for execution of the application, into a RAM of the system...

See id. at page 4 and Deo, col. 2, lines 53-55. Apparently, the Examiner is equating "a first portion of the variables and the event handler" with "a group of software components from a loading table." Applicants further assume that the Examiner is equating loading this group of software components from a storage memory into RAM with "loading each of the individual software components ... into the volatile memory," as recited in claims 1, 16, and 30. Applicants submit that even if this were the case, **loading a group** of software components is not "**individually loading** each of the individual

software components," as recited in claims 1, 16, and 30. Rather, this portion of Deo would merely be disclosing **group loading** not **"individual[] loading,"** as recited in claims 1, 16, and 30. Therefore, Deo does not disclose, teach, or suggest "individually loading each of the individual software components ... into the volatile memory," as recited in claims 1, 16, and 30. Additionally, the Examiner has not cited, nor can Applicants find, any portion of Aguilar or Parry that discloses this claim limitation.

Claim 1 also recites "a loading table that is directly configurable by a user to control which of the individual software components are loaded into volatile memory in connection with starting the operating system." Claims 16 and 30 recite "a loading table that is directly configurable by a user to determine which individual software components are to be loaded into the volatile memory in connection with starting the operating system." Applicants submit that none of the cited references disclose, teach, or suggest "a loading table that is directly configurable by a user to determine [or control] which [of the] individual software components are [to be] loaded into the volatile memory in connection with starting the operating system," as recited in these claims.

In the Office Action, the Examiner correctly points out that "Deo doesn't explicitly disclose a loading table that is directly configurable by a user to control which of the individual software components are loaded into volatile memory in connection with starting the operating system." Office Action, page 6. The Examiner asserts, however, that Aguilar does disclose this claim limitation. Id. at pages 6-7. The Examiner cited to the following portion of Aguilar in support of this assertion:

> In the preferred embodiment, the boot code sequence responds to a specified user input sequence by presenting the user with a configuration screen suitable for altering the value of the image selection indicator such that the user may alter the boot image that will be loaded during a subsequent execution of the boot sequence.

Aguilar, col. 2, lines 6-11. Applicants submit that this portion of Aguilar does not disclose, teach, or suggest "a loading table that is directly configurable by a user to determine [or control] which [of the] individual software components are [to be] loaded into the volatile memory in connection with starting the operating system," as recited in claims 1, 16, and 30.

Aguilar, for example, does not disclose, teach, or suggest a user "determin[ing] [or controlling] which [of the] individual software components are to be loaded into the volatile memory," as recited in claims 1, 16, and 30. Rather, this portion of Aguilar discloses that "the user may alter the boot image that will be loaded." Applicants submit that altering a boot image is not "determin[ing] [or controlling] which [of the] individual software components are loaded into volatile memory," as recited in these claims. Altering the boot image that will be loaded is, at most, determining or controlling which boot image is loaded. However, Aguilar defines a boot image as "a system memory image that includes an operating system kernel as well as any file systems, libraries, and programs necessary to bring the computer to a functional state." Aguilar, col. 3, lines 29-33. Applicants submit that a determining or controlling which boot image is loaded is not "determin[ing] [or controlling] which [of the] individual software components are loaded into volatile memory," as recited in these claims, because the boot image already has the operating system kernel, file systems, libraries, and programs stored in the boot image. Therefore, there is no selection of individual software components, only selection of a boot image with its pre-selected operating system kernel, file systems, libraries, and programs.

In view of the foregoing, Applicants respectfully submit that claims 1, 16, and 30 are patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of these claim be withdrawn.

Claims 2, 4-6, and 11-15 depend either directly or indirectly from claim 1. Claims 17-20 and 25-29 depend either directly or indirectly from claim 16. Claims 31, 33-34, and 39-43 depend either directly or indirectly from claim 30. Accordingly, Applicants respectfully request that the rejection of claims 2, 4-6, 11-15, 17-20, 25-29, 31, 33-34, and 39-43 be withdrawn for at least the same reasons as those presented above in connection with claims 1, 16, and 30.

B.   Rejection of Claims 9, 10, 23, 24, 37, and 38 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 9, 10, 23, 24, 37, and 38 under 35 U.S.C. § 103(a) based on Deo in view of Aguilar further in view of Parry and further in view of U.S. Patent No. 5,970,252 to Buxton et al. (hereinafter "Buxton"). This rejection is respectfully traversed.

The standard for establishing a *prima facie* case of obviousness under 35 U.S.C. § 103(a) is provided above. Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

As discussed above, the Examiner's proposed combination of Deo, Aguilar, and Parry does not disclose, teach, or suggest either "individually loading each of the individual software components ... into the volatile memory" or "determin[ing] [or controlling] which [of the] individual software components are loaded into volatile memory," as recited in claims 1, 16, and 30. Applicants submit that Buxton likewise does not disclose, teach, or suggest these claim limitations.

In the Office Action, the Examiner apparently again asserts that Aguilar discloses this claim limitation. See Office Action, page 12. However, as shown above, Aguilar does not disclose, teach, or suggest either "individually loading each of the individual software components ... into the volatile memory" or "determin[ing] [or controlling] which [of the] individual software components are loaded into volatile memory," as recited in claims 1, 16, and 30. Furthermore, Applicants submit that the Examiner has not cited, nor can Applicants find, any portion of Buxton that discloses, teaches, or suggests this claim limitation. Therefore, none of the cited references disclose, teach, or suggest either "individually loading each of the individual software components ... into the volatile memory" or "determin[ing] [or controlling] which [of the] individual software components are loaded into volatile memory," as recited in claims 1, 16, and 30.

In view of the foregoing, Applicants respectfully submit that claims 1, 16, and 30 are patentably distinct from the cited references. Additionally, claims 9 and 10 depend either directly or indirectly from claim 1; claims 23 and 24 depend either directly or indirectly from claim 16; and claims 37 and 38 depend either directly or indirectly from claim 30. Accordingly, Applicants respectfully request that the rejection of claims 9, 10, 23, 24, 37 and 38 be withdrawn for at least the same reasons as those presented above in connection with claims 1, 16, and 30.

C.   New Claims 44-46

New claims 44-46 have been added. Applicants respectfully submit that new claims 44-46 are patentably distinct from the cited references. The cited references do not disclose, teach, or suggest all of the limitations in these claims.

New claims 44-46 recite "the individual software components are loaded into volatile memory after starting the operating system." Support for these claim limitations may be found in original claims 1, 16, and 30, and throughout Applicants' Specification, such as on page 7, lines 17-23. Applicants submit that none of the cited references disclose, teach, or suggest loading "individual software components ... into the volatile memory after starting the operating system," as recited in these claims.

As shown above, the cited references do not disclose, teach, or suggest that the loading table is "directly configurable by a user to determine [or control] which [of the] individual software components are [to be] loaded into the volatile memory," as recited in claims 1, 16, and 30. Furthermore, Applicants respectfully submit that the cited references do not disclose, teach, or suggest that these "individual software components are loaded into the volatile memory after starting the operating system," as recited in claims 44-46.

In the Office Action, the Examiner cited Aguilar as disclosing that the loading table is directly configurable by a user to determine or control which of the "individual software components are ...: loaded into the volatile memory," as recited in claims 1, 16, 30, and 44-46. Office Action, pages 6-7. However, as shown above, Aguilar does not disclose selection of individual software components, only selection of a boot image.

Apparently the Examiner is equating a boot image with an "individual software component[]," as recited in claims 1, 16, 30, and 44-46. However, Aguilar discloses that the boot image is selected and loaded "during the boot time frame." Aguilar, col. 4, line 36 see also Aguilar, Abstract ("The boot sequence ... loads the selected image into the system memory in response to a boot event."). Additionally, as discussed above, Aguilar discloses that a boot image is "a system memory image that includes an operating system kernel as well as any file systems, libraries, and programs necessary to bring the computer to a functional state." Aguilar, col. 3, lines 29-33. Therefore, even if a boot image were an "individual software component[]," as recited in claims 1, 16, 30, and 44-46, the boot image is loaded before starting the operating system, because the operating system is included in the boot image. In fact, "any file systems, libraries, and programs necessary to bring the computer to a functional state" are loaded before starting the operating system. Therefore, Aguilar merely discloses that the boot image is selected and loaded **before** starting the operating system not that "the individual software components are loaded **after** starting the operating system," as recited in claims 44-46.
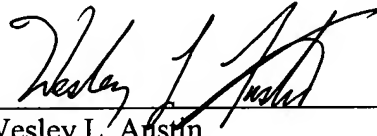
Furthermore, the remaining cited references do not disclose, teach, or suggest this claim limitation. Consequently, because none of the cited references disclose, teach, or suggest this claim limitation, Applicants respectfully submit that claims 44-46 are patentably distinct from the cited references.

D.   Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

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